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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,086	09/17/2003	Darlene Deal		3726

7590 09/29/2004

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EXAMINER

CHIN, PAUL T

ART UNIT PAPER NUMBER

3652

DATE MAILED: 09/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/664,086

Applicant(s)

DEAL, DARLENE

Examiner

PAUL T. CHIN

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/17/03</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION*****Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on September 17, 2003, was filed and the submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

***Specification***

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. **The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided.** The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The disclosure is objected to because of the following informalities: the applicant is encouraged to check all the spellings and grammar to clearly disclose the applicant's invention in the specification. For example, on page 1, line 15, the word "INVETION" should be changed to -- INVENTION --; page 4, line 8, the reference number "32" should be changed to -- 33 -- (handle); page 4, line 9, the reference number "33" should be changed to -- 32 -- (trigger); page 4, line 25, the phrase ". As shown in FIGS. 2,5, and 6" should be changed to -- as shown in FIGS. 2,5, and 6. --; and also see page 5, line 9. Moreover, the phrase "three members for gripping cloths 13" (in the specification) should be changed to -- three members 13 for gripping - in order to avoid the confusion. Appropriate correction is required.

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***Claim Objections***

4. Claims 1-5 are objected to because of the following informalities: the phrase "the device" (claims 2-5, line 1) should be changed to -- The tool -- because claim 1 recites "a tool". Moreover, some of the claimed phrases should be corrected in all the claims. For example, the claimed phrase "the said grip members" should be changed to -- said grip members" and "the said handle" should be changed to -- said handle --. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

There is no antecedent basis for "the higher end" (claim 1, line 8), "the lower end" (claim 1, line 9), "the lower end of said the shaft tube" (claim 1, lines 12 and 16), "the bottom of the said handle" (claim 1), or "the legs" (claim 3, line 2). Moreover, the claimed language of "the lower end of the shaft tube" and "the higher end of the shaft tube" are vague and indefinite because the figures do not show the higher or the lower of the shaft tube, which is a horizontal axis. Further, the exact meaning of the claimed phrase "a length adjustable, removable elbow support" is not clearly understood as to how "a length" is adjustable.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-5, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Eusebe (5,570,919) in view of Browne (2,989,334).

Eusebe (5,570,919) discloses a tool for picking up comprising:

a handle (14); a trigger (16); a tube body (12) fixed to the said handle; at least three grip members (20,20,20); a shaft (24); a grip closer (26) (Fig. 4); a grip opener (34); an extension spring (22) connected to the shaft and the body tube; and a cable (Fig. 5), which can be considered as a trigger lock, being capable of locking the trigger. Eusebe (5,570,919) does not show an elbow support.

However, Browne (2,989,334) shows *an elbow support* (48) to be connected to the bottom portion of the handle. Accordingly, it would have been obvious to those skilled in the art to provide *an elbow support*, which is well known in the art, on the handle (14) as taught by Browne (2,989,334) in order to provide a stronger grip to the arm of a user.

Re claims 2-5, it is pointed that Eusebe (5,570,919) in view of Browne (2,989,334) is capable of being used as recited in the limitations of claims 2-5.

9. Claims 1-5, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Juhlin et al. (3,576,343) in view of Pakosh (5,154,465) or Chen (6,315,340).

Juhlin et al. gripper (3,576,343) discloses a tool for picking up comprising:

a handle (1); a trigger (9); a tube body (18,22) fixed to the handle; at least two grip members (34,34); a shaft (2); a grip closer (29) (Fig. 4); a grip opener (32); an extension spring (17) connected to the shaft and the body tube; a trigger lock (6-8,10) being capable of manipulating the trigger, and an elbow support (19,20). Juhlin et al. (3,576,343) does not show at least three grip members to grip an object.

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However, Pakosh (5,154,465) shows *at least three grip members* (42,42,42) o grip an object. Chen (6,315,340) also shows *at least three grip members* (22,22,22) to grip an object. Accordingly, it would have been obvious to those skilled in the art to provide *at least three grip members* (instead of two members) on the tube body of Juhlin et al. gripper (3,576,343) as taught by Pakosh (5,154,465) or Chen (6,315,340) in order to provide a firm grip.

Re claims 2-5, it is pointed that the modified Juhlin et al. gripper (3,576,343) is capable of being used as recited in the limitations of claims 2-5.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL T. CHIN whose telephone number is (703) 305-1524. The examiner can normally be reached on MON-THURS (7:30 -6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, EILEEN LILLIS can be reached on (703) 308-3248. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read "Paul T. Chin". The signature is written in a cursive, flowing style with a large initial "P" and a distinct "Chin" at the end.

PAUL T. CHIN  
Examiner  
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